

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DINOSAUR FINANCIAL GROUP LLC,
HILDENE CAPITAL MANAGEMENT, LLC and
SWISS LIFE INVESTMENT MANAGEMENT
AG, on behalf of themselves and all others
similarly situated,

Plaintiffs,

Case No. 1:22-CV-1860 (KPF)

-v-

S&P GLOBAL, INC., AMERICAN BANKERS
ASSOCIATION, and FACTSET RESEARCH
SYSTEMS INC.,

Defendants.

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**[PROPOSED] STIPULATION REGARDING PRODUCTION OF
ELECTRONICALLY STORED INFORMATION AND PAPER DOCUMENTS BY
BLOOMBERG, L.P.**

The Parties to the above-captioned matter (the “Litigation”), and Non-Party Bloomberg, L.P. (“Bloomberg”), through their undersigned counsel of record, and subject to the approval of the Court, stipulate and agree that the following terms shall apply to Bloomberg’s production of documents responsive to the subpoena issued by FactSet Research Systems, Inc. (“FactSet”) in this Litigation. Except as otherwise provided below, the terms of the Stipulated Protective Order entered on October 17, 2023 (ECF No. 125) will control.

1. The term “Attorneys’ Eyes Only” shall be a designation applied to particularly sensitive Highly Confidential Material (regardless of how it is generated, stored, or maintained) that Bloomberg reasonably and in good

faith believes involves competitively sensitive information that could be used by a Party in this Litigation.

2. Material designated as “Attorney’s Eyes Only” may be disclosed only to:
 - a. Outside counsel (herein defined as any attorney at the parties’ outside law firms);
 - b. Outside experts or consultants retained by outside counsel for purposes of this action, along with any principals and employees of the firms with which such experts or consultants are associated and who are directly involved and assisting in this litigation, provided they have signed a non-disclosure agreement in the form attached to the Stipulated Protective Order as Exhibit A;
 - c. Secretarial, paralegal, clerical, duplicating and data processing personnel of the foregoing;
 - d. The Court and court personnel;
 - e. Any person who previously authored, received or reviewed a copy of it;
 - f. Any person preparing to provide, or providing, sworn testimony (whether in a deposition, hearing or at trial) may be shown or examined on any information, document or thing designated Confidential if one of the following conditions are met: (i) the witness’s statements, communications, attendance, or actions are expressly mentioned, discussed, or referred to by actual name in the material as indicated on its face; (ii) the witness is an officer or

designee testifying on behalf of a company pursuant to Federal Rule of Civil Procedure 30(b)(6), and the document's subject matter is the subject of a topic designated for the 30(b)(6) witness, and the examining Party has a good-faith basis to believe that the witness has knowledge of information in the document or the document's subject matter is the subject of a topic designated for the 30(b)(6) witness; (iii) the examining Party has a good-faith basis to believe that the witness has or had lawful access to the document; (iv) the witness is a current employee of Bloomberg; (v) the witness is a former employee of Bloomberg and the examining Party has a good-faith basis to believe the witness has or had lawful access to the specific material to be disclosed; or (vi) the person is otherwise permitted access under this Order. Absent any of these circumstances or order of the Court, the Party wishing to use "Attorney's Eyes Only" material in an examination of a witness must obtain consent from Bloomberg.; and

- g. Vendors retained by or for the parties to assist in preparing for pretrial discovery, trial and/or hearings including, but not limited to, court reporters, litigation support personnel, jury consultants, individuals to prepare demonstrative and audiovisual aids for use in the courtroom or in depositions or mock jury sessions, as well as their staff, stenographic, and clerical employees whose duties and responsibilities require access to such materials.

3. Any material that Bloomberg designates as “Attorney’s Eyes Only” shall be treated as “Protected Material” under the Stipulated Protective Order.
4. “Attorney’s Eyes Only” material must be treated in accordance with the provisions of the Stipulated Protective order unless and until a ruling from the Court determines otherwise.
5. For the avoidance of doubt, Paragraph 14 of the Stipulated Protective Order relating to the Designation of Protected Material shall also apply to material designated Attorneys’ Eyes Only.
6. For the avoidance of doubt, Paragraph 15 of the Stipulated Protective Order relating to Objections to Confidentiality Designations or Treatment shall also apply to material designated Attorney’s Eyes Only.
7. For the avoidance of doubt, Paragraph 27 of the Stipulated Protective Order relating to the Production of Protected Material Without Designation shall also apply to material designated Attorneys’ Eyes Only.

SO ORDERED.

Dated: _____

Hon. Katherine Polk Failla
United States District Judge

Dated: August __, 2024

By: /s/ Jeffrey Shinder

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